IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of SOMMERS	)	Examiner: Sawhney, Hargobind
Serial No.: 09/682, 516	)	Art Unit: 2875
Filed: September 13, 2001	)	
For: **OPTICAL WAVE GUIDE**	)	
Attorney Docket No.: GD 26; GD 28 GLOZ 2 00078	)	Cleveland, Ohio 44114 June 27, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF PRIOR INVENTION IN THE UNITED STATES TO OVERCOME A CITED U.S. PATENT PUBLICATION (37 C.F.R. 1.131)

I, Matt Sommers, declare and state as follows:

1. I am the sole inventor of the subject matter claimed in the above-identified patent application (hereinafter referred to as "the present application").

2. Pursuant to 37 C.F.R. 1.131, this Declaration is made to establish conception of the invention recited in at least claims 1 and 15 of the present application in the United States of America on a date prior to January 4, 2001, which is the effective date of Mass et al. U.S. Patent Publication No. US 2001/0049893 A1 (hereinafter referred to as "the Maas publication") and relied upon by the Examiner, in combination with other documents, to reject claims 1-9, 14-15, and 18-19 of the present application.

3. The Maas publication does not claim the invention defined in claims 1 and 15 of the present application.

CERTIFICATE OF ~~TRANSMISSION BY FACSIMILE~~ MAILING BY FIRST CLASS MAIL AS

I hereby certify that this DECLARATION and all items referred to herein as being attached or enclosed are being transmitted by ~~facsimile~~ to the U.S. Patent & Trademark Office, Group Art Unit 2623 ~~via facsimile no. (703)872-9315~~ on June 27, 2003.

FIRST CLASS MAIL DD

By: Georgeen B. George
Georgeen B. George

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4. I conceived of the invention defined in claims 1 and 15 of the present application prior to January 4, 2001 in the State of Ohio, United States of America.

5. Prior to January 4, 2001, I reduced the inventions recited in claims 1 and 15 of the present application to the figures shown in Exhibit A attached hereto. The documents attached as Exhibit A are both dated and witnessed prior to January 4, 2001.

6. The figures forming Exhibit A show a wave guide including surface microstructure which interacts with LED generated light and scattering light out of the wave guide pattern. The figure attached hereto is a substantial duplicate of Fig. 2 of the application.

7. The present application was filed with due diligence and without an undue delay on September 13, 2001. Particularly, the present application was submitted to my employer's Patent Evaluation Board on December 13, 2000. The Patent Evaluation Board met on June 12, 2001 and rated the present invention for U.S. patent application filing. The invention disclosure was submitted to the firm of Fay, Sharpe, Fagan, Minnich & McKee for patent application preparation in June, 2001. Several drafts of the application were exchanged between the undersigned and the Fay, Sharpe firm leading to a constructive reduction to practice with filing on September 13, 2001.

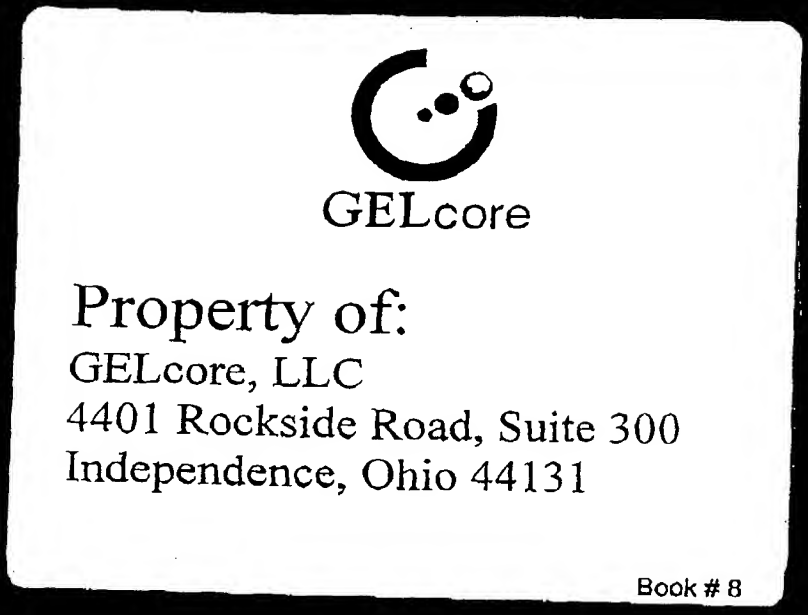
8. The foregoing and attached documents show that the invention defined in claims 1 and 15 of the present application was conceived in the United States of America prior to January 4, 2001.

9. This Declaration is timely in accordance with MPEP § 715.09(C)(1) and this is the first opportunity I have had to submit this Declaration relative to the Maas publication.

By signing below, I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize that validity of the application or any patent issued thereon.

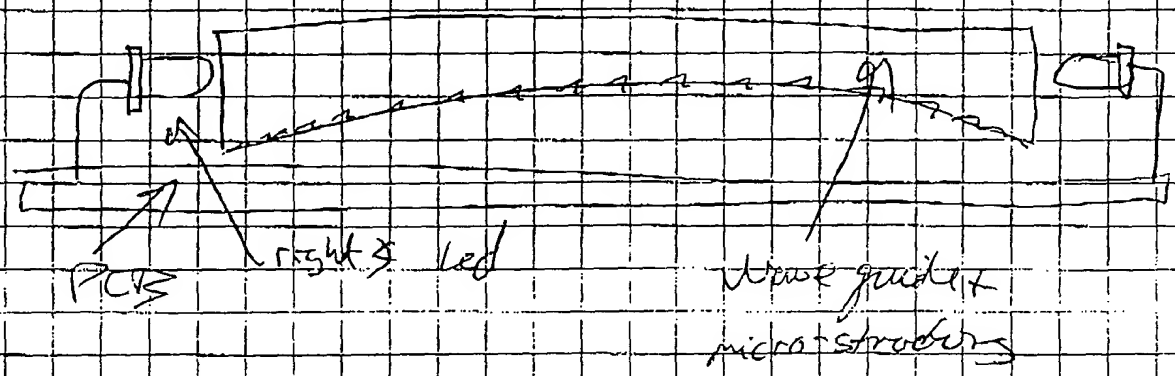
Matt Sommers

6/27/03
Date


GELcore
Property of:
GELcore, LLC
4401 Rockside Road, Suite 300
Independence, Ohio 44131
Book # 8

Develop a signal light by using wave-guide principles and micro-structures

See diagram for details

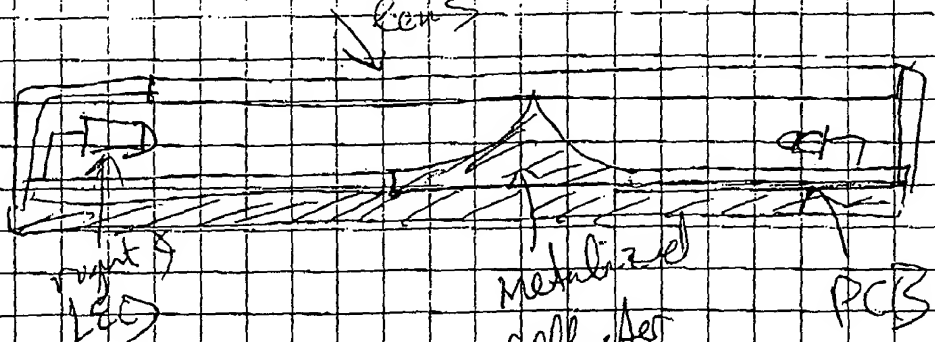


C. L. Bohler

[redacted]

[redacted]

1) Develop signal using reflector technology



Reflector may be single piece that PCB is attached to?

C. L. Bohler

[redacted]

** TOTAL PAGE.04 **